

# Senate File 408 - Introduced

SENATE FILE 408

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## A BILL FOR

1 An Act relating to the medical cannabidiol Act.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124E.2, subsection 2, paragraphs b and i,  
2 Code 2019, are amended to read as follows:

3 ~~b. Multiple sclerosis with severe and persistent muscle~~  
4 ~~spasms.~~

5 ~~i. Untreatable pain~~ Severe or chronic pain.

6 Sec. 2. Section 124E.2, subsection 2, Code 2019, is amended  
7 by adding the following new paragraphs:

8 NEW PARAGRAPH. *j.* Glaucoma.

9 NEW PARAGRAPH. *k.* Hepatitis C.

10 NEW PARAGRAPH. *l.* Ehlers-Danlos syndrome.

11 NEW PARAGRAPH. *m.* Post-traumatic stress disorder.

12 NEW PARAGRAPH. *n.* Tourette's syndrome.

13 NEW PARAGRAPH. *o.* Muscular dystrophy.

14 NEW PARAGRAPH. *p.* Huntington's disease.

15 NEW PARAGRAPH. *q.* Alzheimer's disease.

16 NEW PARAGRAPH. *r.* Complex regional pain syndrome.

17 NEW PARAGRAPH. *s.* Rheumatoid arthritis.

18 NEW PARAGRAPH. *t.* Trigeminal neuralgia.

19 NEW PARAGRAPH. *u.* Bipolar disorder.

20 NEW PARAGRAPH. *v.* Polyarteritis nodosa.

21 NEW PARAGRAPH. *w.* Any other medical condition for which

22 the patient's health care practitioner determines the use of  
23 medical cannabidiol could be medically beneficial pursuant to  
24 rules of the board licensing the health care practitioner.

25 Sec. 3. Section 124E.2, subsection 5, Code 2019, is amended  
26 to read as follows:

27 5. "*Health care practitioner*" means an individual licensed

28 under [chapter 148](#) to practice medicine and surgery or

29 osteopathic medicine and surgery, a physician assistant

30 licensed under chapter 148C, or an advanced registered nurse

31 practitioner licensed under chapter 152 or 152E, who is a

32 patient's primary care provider. ~~"Health care practitioner"~~

33 ~~shall not include a physician assistant licensed under chapter~~

34 ~~148C or an advanced registered nurse practitioner licensed~~

35 ~~pursuant to [chapter 152](#) or [152E](#).~~

1     Sec. 4. Section 124E.2, subsection 6, Code 2019, is amended  
2 by striking the subsection and inserting in lieu thereof the  
3 following:

4     6. "*Medical cannabidiol*" means any species of the genus  
5 cannabis plant, or any mixture or preparation of them,  
6 including whole plant extracts and resins.

7     Sec. 5. Section 124E.2, subsection 8, Code 2019, is amended  
8 by striking the subsection.

9     Sec. 6. Section 124E.3, subsection 1, Code 2019, is amended  
10 by adding the following new paragraph:

11     NEW PARAGRAPH. c. For a certification issued under section  
12 124E.2, subsection 2, paragraph "w", determine whether the  
13 certification would comply with rules of the board licensing  
14 the health care practitioner, and if so, provide written  
15 documentation to that effect to the patient.

16     Sec. 7. Section 124E.4, subsection 1, Code 2019, is amended  
17 to read as follows:

18     1. a. *Issuance to patient.* ~~Subject~~ Except as otherwise  
19 provided in paragraph "b", and subject to subsection  
20 7, the department may ~~approve the issuance of~~ issue a  
21 medical cannabidiol registration card ~~by the department of~~  
22 ~~transportation~~ to a patient who:

23     ~~a.~~ (1) Is at least eighteen years of age.

24     ~~b.~~ (2) Is a permanent resident of this state.

25     ~~c.~~ (3) Submits a written certification to the department  
26 signed by the patient's health care practitioner that the  
27 patient is suffering from a debilitating medical condition.

28     ~~d.~~ (4) Submits an application to the department, on a form  
29 created by the department, ~~in consultation with the department~~  
30 ~~of transportation~~, that contains all of the following:

31     ~~(1)~~ (a) The patient's full name, Iowa residence address,  
32 date of birth, and telephone number.

33     ~~(2)~~ (b) A copy of the patient's valid photograph  
34 identification.

35     ~~(3)~~ (c) Full name, address, and telephone number of the

1 patient's health care practitioner.

2 ~~(4)~~ (d) Full name, residence address, date of birth, and  
3 telephone number of each primary caregiver of the patient, if  
4 any.

5 ~~(5)~~ (e) Any other information required by rule.

6 ~~e,~~ (5) Submits a medical cannabidiol registration card  
7 fee of one hundred dollars to the department. If the patient  
8 attests to receiving social security disability benefits,  
9 supplemental security insurance payments, or being enrolled in  
10 the medical assistance program, the fee shall be twenty-five  
11 dollars.

12 ~~f. Has not been convicted of a disqualifying felony offense.~~

13 b. Issuance to hospice patient. Subject to subsection 7,  
14 the department may issue a medical cannabidiol registration  
15 card to a patient who provides documentation to the department,  
16 on a form prescribed by the department, that the patient is  
17 receiving inpatient hospice care in this state.

18 Sec. 8. Section 124E.4, subsection 2, unnumbered paragraph  
19 1, Code 2019, is amended to read as follows:

20 A medical cannabidiol registration card issued to a patient  
21 by the department ~~of transportation~~ pursuant to [subsection 1](#)  
22 shall contain, at a minimum, all of the following:

23 Sec. 9. Section 124E.4, subsection 3, unnumbered paragraph  
24 1, Code 2019, is amended to read as follows:

25 For a patient in a primary caregiver's care, subject to  
26 subsection 7, the department may ~~approve the issuance of~~ issue  
27 a medical cannabidiol registration card ~~by the department of~~  
28 ~~transportation~~ to the primary caregiver who:

29 Sec. 10. Section 124E.4, subsection 3, paragraph b,  
30 unnumbered paragraph 1, Code 2019, is amended to read as  
31 follows:

32 Submits an application to the department, on a form created  
33 by the department, ~~in consultation with the department of~~  
34 ~~transportation~~, that contains all of the following:

35 Sec. 11. Section 124E.4, subsection 4, unnumbered paragraph

1 1, Code 2019, is amended to read as follows:

2 A medical cannabidiol registration card issued by the  
3 department of ~~transportation~~ to a primary caregiver pursuant to  
4 subsection 3 shall contain, at a minimum, all of the following:

5 Sec. 12. Section 124E.4, subsection 6, Code 2019, is amended  
6 by striking the subsection.

7 Sec. 13. Section 124E.5, subsection 1, paragraph a, Code  
8 2019, is amended to read as follows:

9 a. A medical cannabidiol board is created consisting of  
10 eight practitioners representing the fields of neurology, pain  
11 management, gastroenterology, oncology, psychiatry, pediatrics,  
12 family medicine, and pharmacy, ~~and~~ one representative from law  
13 enforcement, and three patients with valid medical cannabidiol  
14 registration cards.

15 Sec. 14. Section 124E.5, subsection 2, Code 2019, is amended  
16 to read as follows:

17 2. The medical cannabidiol board shall convene at least  
18 twice but no more than ~~four~~ six times per year.

19 Sec. 15. Section 124E.5, subsection 4, Code 2019, is amended  
20 to read as follows:

21 4. Recommendations made by the medical cannabidiol board  
22 pursuant to subsection 3, paragraphs "b" and "e", shall be made  
23 to the ~~board of medicine department~~ department for consideration, and if  
24 approved, shall be adopted by the ~~board of medicine department~~  
25 by rule.

26 Sec. 16. Section 124E.7, Code 2019, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 13. A medical cannabidiol manufacturer may  
29 deliver medical cannabidiol to a patient at the patient's Iowa  
30 residence pursuant to rules of the department.

31 Sec. 17. Section 124E.8, subsection 1, paragraph a, Code  
32 2019, is amended to read as follows:

33 a. The department shall issue a request for proposals  
34 to select and license by April 1, ~~2018~~ 2020, up to ~~five~~  
35 thirty medical cannabidiol dispensaries to dispense medical

1 cannabidiol within this state consistent with the provisions  
2 of [this chapter](#). The department shall license new medical  
3 cannabidiol dispensaries or relicense the existing medical  
4 cannabidiol dispensaries by December 1 of each year.

5 Sec. 18. Section 124E.11, subsection 1, paragraph b,  
6 subparagraph (1), subparagraph division (a), Code 2019, is  
7 amended to read as follows:

8 (a) To authorized employees or agents of the department and  
9 ~~the department of transportation~~ as necessary to perform the  
10 duties of the department ~~and the department of transportation~~  
11 pursuant to [this chapter](#).

12 Sec. 19. Section 124E.11, subsection 2, paragraph c, Code  
13 2019, is amended to read as follows:

14 c. Establish the form and quantity of medical cannabidiol  
15 allowed to be dispensed to a patient or primary caregiver  
16 pursuant to [this chapter](#) as appropriate to serve the medical  
17 needs of patients with debilitating medical conditions, subject  
18 to recommendation by the medical cannabidiol board and approval  
19 by the ~~board of medicine~~ department.

20 Sec. 20. Section 124E.11, subsection 2, paragraph i, Code  
21 2019, is amended to read as follows:

22 i. Establish and implement a medical cannabidiol inventory  
23 and delivery tracking system to track medical cannabidiol  
24 from production by a medical cannabidiol manufacturer through  
25 dispensing at a medical cannabidiol dispensary or delivery to a  
26 patient at the patient's Iowa residence.

27 Sec. 21. Section 124E.11, subsection 2, Code 2019, is  
28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. j. Establish the circumstances under  
30 which a medical cannabidiol manufacturer may deliver medical  
31 cannabidiol to a patient at the patient's Iowa residence.

32 Sec. 22. Section 124E.12, subsection 6, Code 2019, is  
33 amended to read as follows:

34 6. The department, ~~the department of transportation,~~ and  
35 any health care practitioner person licensed, registered, or

1 certified by an entity listed in section 272C.1, including any  
 2 authorized agent or employee thereof, are not subject to any  
 3 civil or disciplinary penalties by the board of medicine or  
 4 any business, occupational, or professional licensing board or  
 5 entity, solely for activities conducted relating to a patient's  
 6 possession or use of medical cannabidiol as authorized under  
 7 this chapter. Such an entity shall not subject a licensed,  
 8 registered, or certified person to discipline relating to  
 9 a patient's possession or use of medical cannabidiol as  
 10 authorized under this chapter. Nothing in this section affects  
 11 a professional licensing board from taking action in response  
 12 to violations of any other section of law.

13 Sec. 23. Section 124E.12, subsection 7, Code 2019, is  
 14 amended to read as follows:

15 7. Notwithstanding any law to the contrary, the department,  
 16 ~~the department of transportation,~~ the governor, or any employee  
 17 of any state agency shall not be held civilly or criminally  
 18 liable for any injury, loss of property, personal injury, or  
 19 death caused by any act or omission while acting within the  
 20 scope of office or employment as authorized under this chapter.

21 Sec. 24. TRANSITION PROVISIONS. A medical cannabidiol  
 22 registration card issued prior to July 1, 2019, remains  
 23 effective and continues in effect as issued for the  
 24 twelve-month period following its issuance.

#### 25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
 27 the explanation's substance by the members of the general assembly.

28 This bill relates to the medical cannabidiol Act.

29 The bill amends the definition of "debilitating medical  
 30 condition" by removing the requirement that multiple sclerosis  
 31 be accompanied by severe and persistent muscle spasms, and  
 32 replacing untreatable pain with severe or chronic pain.

33 The bill also adds new medical conditions to the current  
 34 list of debilitating medical conditions for which a health care  
 35 practitioner may issue a written certification to a patient for

1 a medical cannabidiol registration card pursuant to the medical  
2 cannabidiol Act (Code chapter 124E).

3 The bill allows a health care practitioner to certify a  
4 patient to receive a medical cannabidiol registration card  
5 for any other medical condition for which the health care  
6 practitioner determines the use of medical cannabidiol would be  
7 medically beneficial, pursuant to rules of the board licensing  
8 the health care practitioner, and provide written documentation  
9 to that effect to the patient.

10 The bill amends the definition of "medical cannabidiol"  
11 to encompass any species of the genus cannabis plant, or  
12 any part or mixture thereof, and removes the limitation on  
13 tetrahydrocannabinol that medical cannabidiol can contain.

14 The bill amends the definition of "health care practitioner"  
15 to allow a licensed physician assistant and a licensed advanced  
16 registered nurse practitioner to certify a patient to receive a  
17 medical cannabidiol registration card.

18 The bill requires the department of public health to issue a  
19 request for proposals and license up to 30 medical cannabidiol  
20 dispensaries by April 1, 2020.

21 The bill allows the department of public health to issue a  
22 medical cannabidiol registration card to a patient receiving  
23 inpatient hospice care in Iowa without complying with any other  
24 requirement to receive a medical cannabidiol registration card  
25 after producing proof to the department of public health that  
26 the patient is receiving hospice care. The bill also removes  
27 the restriction on certain felons receiving medical cannabidiol  
28 patient registration cards.

29 The bill amends the membership of the medical cannabidiol  
30 board by adding three members who are patients with valid  
31 medical cannabidiol registration cards. The bill also allows  
32 the board to meet up to six times per year.

33 The bill allows medical cannabidiol manufacturers to  
34 make deliveries to a patient at the patient's Iowa residence  
35 pursuant to rules of the board.



1     The bill prohibits any licensing board from disciplining a  
2 person licensed, certified, or registered by that licensing  
3 board relating to a patient's possession or use of medical  
4 cannabidiol pursuant to the medical cannabidiol Act.

5     The bill removes the department of transportation from the  
6 process of issuing medical cannabidiol registration cards.  
7 The bill provides that any medical cannabidiol registration  
8 card issued by the department of transportation prior to July  
9 1, 2019, remains in effect and continues in effect for the  
10 12-month period following its issuance. The bill requires  
11 the department of public health to issue medical cannabidiol  
12 registration cards.

13     The bill removes the board of medicine from the process  
14 for adding conditions to the list of debilitating medical  
15 conditions. The bill allows the medical cannabidiol board  
16 to make recommendations for new conditions directly to the  
17 department of public health.